

# **MODEL CONSTITUTION FOR THE REPUBLIC OF ZIMBABWE**

*A Framework for Democratic Governance,  
Separation of Powers, and Constitutional Safeguards*

Prepared for Democratic Reform Advocacy  
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# PREAMBLE

We, the people of Zimbabwe, mindful of our history of struggle against colonialism and oppression, cognizant of the failures of governance that have undermined our democracy and violated the rights of our citizens, and determined to establish a constitutional order that serves the people rather than perpetuating the power of ruling elites, do hereby establish this Constitution.

This Constitution is founded upon the following principles:

- The sovereignty of the people and their inalienable right to determine their own governance through free and fair elections
- The separation of powers among co-equal branches of government, with robust checks and balances to prevent the concentration of power
- The protection of fundamental human rights and freedoms for all citizens without discrimination
- Accountability and transparency in government, with mechanisms to hold leaders responsible for their actions
- The rule of law, under which no person, including the President, is above the law
- Recognition of past injustices, including the Gukurahundi atrocities, and commitment to transitional justice and national healing
- The devolution of power to ensure that governance is brought closer to the people

# **ARTICLE I: BILL OF RIGHTS**

## **Section 1: Fundamental Rights**

Every citizen of Zimbabwe is entitled to the following fundamental rights and freedoms, which may not be abridged except as provided in Section 3 of this Article:

- Right to life, liberty, and security of person
- Freedom of conscience, religion, and belief
- Freedom of expression, including freedom of the press and media
- Freedom of assembly and association
- Freedom of movement and residence
- Right to participate in government and to vote in free and fair elections
- Right to property and protection against arbitrary deprivation of property
- Right to fair trial and due process of law
- Protection against torture, cruel, inhuman, or degrading treatment

## **Section 2: Equality and Non-Discrimination**

All persons are equal before the law and are entitled to equal protection of the law without discrimination on grounds of race, tribe, place of origin, political opinion, color, creed, sex, gender, marital status, age, disability, or social status.

## **Section 3: Limitations on Rights**

The rights and freedoms set forth in this Article may only be limited by law to the extent that such limitation is:

- Reasonable and justifiable in a democratic society
- Proportionate to the legitimate aim pursued
- Not inconsistent with international human rights obligations

No limitation may be placed on the right to life, freedom from torture, freedom from slavery, or the right to fair trial.

# **ARTICLE II: THE EXECUTIVE BRANCH**

## **Section 1: Presidential Office**

The executive power of the Republic shall be vested in a President, who shall serve as Head of State and Head of Government. The President shall be elected directly by the people through universal adult suffrage.

**The President shall execute the laws faithfully, command the defense forces subject to parliamentary authorization of military deployments, conduct foreign affairs with Senate approval of treaties, and appoint senior officials with parliamentary confirmation.**

## **Section 2: UNAMENDABLE Presidential Term Limits**

**No person shall serve as President for more than two five-year terms, whether consecutive or non-consecutive.**

**THIS PROVISION IS ABSOLUTELY UNAMENDABLE. NO AMENDMENT, REVISION, OR REPLACEMENT OF THIS CONSTITUTION SHALL PERMIT ANY EXTENSION OF PRESIDENTIAL TERMS, INCREASE IN THE NUMBER OF TERMS, OR ANY MECHANISM BY WHICH A PERSON MAY SERVE AS PRESIDENT BEYOND TWO FIVE-YEAR TERMS.**

Any purported amendment to this Section shall be null and void ab initio. Any person who advocates for, proposes, or enacts such amendment shall be guilty of treason and subject to prosecution.

## **Section 3: Presidential Qualifications**

A candidate for President must:

- Be a citizen of Zimbabwe by birth or descent
- Be at least 40 years of age
- Be registered to vote
- Not have been convicted of any crime involving dishonesty or moral turpitude

## **Section 4: Presidential Powers and Limitations**

The President shall have power to:

- Appoint ministers, subject to confirmation by the National Assembly
- Execute and enforce all laws passed by Parliament
- Grant pardons and commutations, except in cases of impeachment or crimes against humanity
- Negotiate treaties, subject to ratification by a two-thirds vote of the Senate

The President shall NOT have power to:

- Dissolve Parliament

- Declare a state of emergency for more than 14 days without parliamentary approval
- Deploy military forces abroad without prior authorization by a two-thirds vote of both houses of Parliament
- Interfere with the independence of the judiciary, Electoral Commission, or other constitutional bodies

## **Section 5: Prime Minister**

There shall be a Prime Minister, who shall be the leader of the majority party or coalition in the National Assembly. The Prime Minister shall be appointed by the President but shall command the confidence of the National Assembly.

The Prime Minister shall coordinate government business in Parliament, chair the Cabinet in the President's absence, and ensure implementation of legislative programs. The National Assembly may remove the Prime Minister through a vote of no confidence by a simple majority.

## **Section 6: Presidential Accountability**

The President may be impeached for:

- Violation of the Constitution
- Gross misconduct or corruption
- Crimes against humanity, including genocide
- Abuse of power or gross incompetence

Impeachment shall be initiated by a two-thirds vote of the National Assembly and tried by the Senate. Conviction requires a two-thirds vote of the Senate. Upon conviction, the President shall be removed from office and may face criminal prosecution.

# ARTICLE III: THE LEGISLATIVE BRANCH

## Section 1: Structure of Parliament

Legislative power shall be vested in a bicameral Parliament consisting of:

- **The National Assembly** (lower house): 250 members elected by proportional representation for five-year terms
- **The Senate** (upper house): 80 members, with 60 elected by provinces (6 per province) and 20 representing traditional leaders and civil society, serving six-year terms with one-third elected every two years

## Section 2: Legislative Powers

Parliament shall have power to:

- Make laws for the peace, order, and good governance of Zimbabwe
- Control public finances, approve budgets, and oversee government spending
- Confirm or reject presidential appointments to senior positions
- Investigate and hold the executive accountable through committees
- Ratify or reject treaties negotiated by the President
- Impeach and remove the President, Vice President, or other senior officials

## Section 3: Legislative Procedure

Bills may originate in either house, except that money bills must originate in the National Assembly. A bill becomes law when passed by both houses and assented to by the President, or when Parliament overrides a presidential veto by a two-thirds vote in both houses.

The President may return a bill to Parliament with objections within 14 days of passage. If the President neither signs nor returns a bill within 14 days, it becomes law without signature.

## Section 4: Parliamentary Oversight

Parliament shall establish standing committees with power to summon witnesses, compel production of documents, and investigate any matter of public concern. All ministers and public officials must appear before committees when summoned and answer questions truthfully under penalty of contempt.

The Public Accounts Committee shall audit government expenditure and report any irregularities to Parliament and the office of the Prosecutor General.

# **ARTICLE IV: THE JUDICIAL BRANCH**

## **Section 1: Judicial Independence**

**Judicial power shall be vested in an independent judiciary consisting of the Constitutional Court, Supreme Court, High Court, and such lower courts as may be established by law.**

Judges shall be independent and subject only to the Constitution and the law. No person or authority may interfere with the functioning of the courts. Judges shall have security of tenure and may only be removed through the process established in Section 4 of this Article.

## **Section 2: Constitutional Court**

The Constitutional Court shall be the highest court on constitutional matters. It shall have jurisdiction to:

- Interpret and enforce the Constitution
- Declare laws or executive actions unconstitutional
- Resolve disputes between branches or levels of government
- Review electoral disputes and validate presidential elections
- Try impeachments of the President when sitting as a court

## **Section 3: Appointment of Judges**

Judges of the Constitutional Court and Supreme Court shall be nominated by a Judicial Service Commission and appointed by the President with confirmation by a two-thirds vote of the Senate.

The Judicial Service Commission shall consist of:

- The Chief Justice (Chair)
- Two senior judges elected by the judiciary
- Two members appointed by the President
- Two members appointed by Parliament
- Two members representing the legal profession

## **Section 4: Removal of Judges**

A judge may only be removed for gross misconduct, incapacity, or incompetence, following investigation by a tribunal appointed by the Chief Justice and approval by two-thirds of both houses of Parliament.

## **Section 5: Judicial Review**

Any person who alleges that their constitutional rights have been violated may petition the Constitutional Court for relief. The Court shall have power to declare laws unconstitutional, order remedies, and ensure compliance with its judgments. All branches of government must respect and implement court orders.





# **ARTICLE V: INDEPENDENT ELECTORAL COMMISSION**

## **Section 1: Establishment and Independence**

**There shall be established an Independent Electoral Commission (IEC) responsible for conducting all elections and referenda. The IEC shall be fully independent and subject only to the Constitution and the law.**

No person or authority may interfere with the IEC in the performance of its functions. The IEC shall not be subject to direction or control by any person or authority.

## **Section 2: Composition**

The IEC shall consist of nine commissioners appointed as follows:

- Three commissioners nominated by the ruling party or coalition
- Three commissioners nominated by opposition parties
- Three commissioners nominated by civil society and approved by Parliament

All commissioners must be persons of integrity with no political affiliation for at least five years prior to appointment. They shall serve seven-year non-renewable terms and may only be removed through the impeachment process.

**The Chairperson shall be elected by the commissioners and must command a two-thirds majority vote.**

## **Section 3: International Oversight**

**For all presidential and parliamentary elections, the IEC shall invite international observers from the African Union, Commonwealth, European Union, and United Nations to monitor all stages of the electoral process.**

International observers shall have unrestricted access to:

- All polling stations
- Vote counting and tallying centers
- IEC offices and operations
- Voter registration processes

**No election result shall be deemed valid without certification by international observers that the election was free, fair, and credible.**

## **Section 4: Electoral Safeguards**

The IEC shall ensure:

- Transparent voter registration with public access to the register
- Equal access to state media for all candidates and parties
- Prohibition of use of state resources for campaigning
- Public counting of ballots at polling stations with results posted immediately
- Electronic transmission of results with paper backup
- Live streaming of all counting and tallying processes

- Severe criminal penalties for electoral fraud, including imprisonment for not less than 15 years

## **Section 5: Electoral Disputes**

Any person may challenge an election result in the Constitutional Court within seven days of the announcement. The Court must hear and determine the matter within 14 days. If the Court finds substantial irregularities, it may order a new election.

# **ARTICLE VI: TRANSITIONAL JUSTICE AND ACCOUNTABILITY**

## **Section 1: Truth and Reconciliation Commission**

**There shall be established a Truth and Reconciliation Commission to investigate gross violations of human rights committed in Zimbabwe, including but not limited to the Gukurahundi atrocities of the 1980s.**

The Commission shall have power to subpoena witnesses, compel production of documents, grant amnesty in exchange for truthful testimony, and make recommendations for reparations to victims and their families.

## **Section 2: Accountability for Atrocities**

**No person shall be granted immunity from prosecution for crimes against humanity, genocide, war crimes, or torture.**

Any person found by the Truth and Reconciliation Commission or a court of law to have committed such crimes may be prosecuted regardless of their position or office.

The President may not pardon any person convicted of crimes against humanity or genocide. Such convictions may only be overturned by the Constitutional Court upon appeal.

## **Section 3: Reparations**

Parliament shall establish a Reparations Fund to compensate victims of past atrocities and their families. The fund shall be administered by an independent board and shall prioritize those most affected by Gukurahundi and other state-sponsored violence.

## **Section 4: National Healing**

The government shall promote national healing through education about past atrocities, memorialization of victims, and programs to foster reconciliation among all communities in Zimbabwe.

# **ARTICLE VII: DEVOLUTION OF POWER**

## **Section 1: Provincial Governments**

Zimbabwe shall be divided into provinces, each with an elected Provincial Assembly and Governor. Provincial governments shall have legislative and executive authority over matters of local concern including education, healthcare, agriculture, and local infrastructure.

The national government shall devolve at least 40% of national revenue to provincial governments based on population and need.

## **Section 2: Local Government**

Local authorities shall be democratically elected and shall have power to levy local taxes, provide services, and regulate local affairs. The national government may not dissolve or interfere with local authorities except as provided by law.

## **Section 3: Intergovernmental Relations**

Disputes between national and provincial governments, or among provinces, shall be resolved through negotiation and, if necessary, by the Constitutional Court.

# **ARTICLE VIII: CONSTITUTIONAL AMENDMENT**

## **Section 1: Amendment Procedure**

This Constitution may be amended only by:

- A two-thirds vote of both houses of Parliament, AND
- Approval by a majority of voters in a national referendum

## **Section 2: Unamendable Provisions**

**THE FOLLOWING PROVISIONS MAY NEVER BE AMENDED UNDER ANY CIRCUMSTANCES:**

- Article I (Bill of Rights)
- Article II, Section 2 (Presidential Term Limits)
- Article V (Independent Electoral Commission)
- This Section (Unamendable Provisions)
- Article VI, Section 2 (Accountability for Atrocities)

## **Section 3: Constitutional Replacement**

Any new constitution that replaces this Constitution must:

- Maintain all fundamental rights guaranteed in Article I
- Preserve presidential term limits of no more than two terms
- Maintain an independent electoral commission with international oversight
- Preserve accountability mechanisms for crimes against humanity

**Any purported replacement constitution that fails to meet these requirements shall be null and void.**

# **ARTICLE IX: ANTI-CORRUPTION AND ACCOUNTABILITY**

## **Section 1: Independent Anti-Corruption Commission**

There shall be established an Independent Anti-Corruption Commission with power to investigate and prosecute corruption by any public official, including the President.

The Commission shall be independent and subject only to the Constitution and the law. Its members shall be appointed by Parliament and serve non-renewable seven-year terms.

## **Section 2: Declaration of Assets**

The President, Vice President, ministers, members of Parliament, judges, and all senior public officials must declare their assets upon assuming office and every two years thereafter. These declarations shall be public and subject to verification.

Any person who fails to declare assets or makes a false declaration shall be guilty of a criminal offense and subject to removal from office.

## **Section 3: Public Procurement**

All government contracts exceeding USD 100,000 must be awarded through competitive public tender. Details of all contracts must be published within 30 days of award. Any official who awards a contract in violation of this provision shall be guilty of corruption.

## **Section 4: Protection of Whistleblowers**

Any person who reports corruption in good faith shall be protected from retaliation, dismissal, or prosecution. The state shall provide security and support to whistleblowers who face threats.

# **ARTICLE X: SUPREMACY OF THE CONSTITUTION**

## **Section 1: Constitutional Supremacy**

**This Constitution is the supreme law of Zimbabwe. Any law, practice, or conduct inconsistent with this Constitution is invalid to the extent of the inconsistency.**

All persons, including the President, ministers, judges, and members of Parliament, are bound by this Constitution and must respect, uphold, and defend it.

## **Section 2: Enforcement**

Any person whose rights under this Constitution have been violated may approach the Constitutional Court for relief. The Court shall have power to grant any appropriate remedy, including damages, injunctions, and declarations of unconstitutionality.

## **Section 3: International Law**

International human rights treaties ratified by Zimbabwe shall form part of Zimbabwean law. In interpreting this Constitution, courts shall have regard to international law and comparative constitutional jurisprudence.

## CONCLUDING PROVISIONS

This model constitution is presented as a framework for democratic reform in Zimbabwe. It combines the strengths of the United States Constitution (separation of powers, checks and balances, judicial review) with principles drawn from UK constitutional tradition (parliamentary accountability, rule of law) while addressing the specific challenges faced by Zimbabwe.

### Key Features of this Model Constitution:

- **Absolute term limits:** No president can rule beyond two five-year terms, with this provision unamendable
- **Hybrid system:** Strong presidency balanced by parliamentary accountability through a Prime Minister
- **Independent Electoral Commission:** With mandatory international oversight and severe penalties for electoral fraud
- **Transitional justice:** Truth and Reconciliation Commission with specific focus on Gukurahundi accountability
- **Judicial independence:** Strong Constitutional Court with power to strike down laws and protect rights
- **Devolution:** Power distributed to provinces to prevent central control
- **Anti-corruption mechanisms:** Independent commission, asset declaration, and whistleblower protection
- **Entrenched provisions:** Core democratic safeguards cannot be amended

This constitution is designed to prevent the exact abuses that have characterized Zimbabwe's post-independence governance: concentration of power in the presidency, manipulation of elections, absence of accountability for atrocities, and erosion of democratic institutions. It provides robust mechanisms to ensure that power serves the people rather than perpetuating itself.

*For UK-based activists campaigning for constitutional reform in Zimbabwe, this document can serve as:*

- A policy advocacy tool demonstrating concrete alternatives to the current system
- A framework for engaging international partners (EU, UK, Commonwealth) on Zimbabwe's democratic future
- A benchmark against which to measure any proposed constitutional changes by the Zimbabwean government
- A vision document for building coalitions among Zimbabwean diaspora and civil society

***The path to constitutional democracy in Zimbabwe will require sustained advocacy, international pressure, and domestic mobilization. This model constitution provides a roadmap for that journey.***

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